



City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
D. M. Sugimura, Acting Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2106060
Applicant Name: Mark Travers
Address of Proposal: 7053 Beach Drive SW

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit for future construction of a two-unit townhouse. Project includes demolition of the existing duplex structure on site.

The following approvals are required:

Shoreline Substantial Development Permit - For the future construction of a duplex townhouse in the Urban Residential (UR) Shoreline Environment. (Section 23.60.540, Seattle Municipal Code)

SEPA - Environmental Determination (Chapter 25.05, SMC)

SEPA DETERMINATION: Exempt DNS MDNS EIS

 DNS with conditions

 DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Existing Conditions and Area Development

The proposal site is located in the West Seattle Neighborhood at 7053 Beach Drive SW. The property is zoned Lowrise Duplex Triplex (LDT) and located within the Urban Residential Shoreline Environment (UR). The subject site is currently home to a duplex which will be removed prior to construction. There is approximately 60 feet of street frontage along Beach Drive SW. The property extends east towards the water an approximate depth of 100 feet along the south property line and 133 feet along the north property line. Development surrounding the project site is a mix of multi-family and single family units. There is no development to the east across Beach Drive SW as the area is steeply sloped and heavily vegetated.

Proposed Action

The applicant proposes to remove the existing structure and construct a two-unit townhouse. The proposed structure will include parking for four vehicles in attached garages.

Public Comment

One comment letter was received from a neighbor during the comment period which ended May 31, 2002. The citizen was concerned that the property had not been surveyed correctly. In response to her letter, the applicant's surveyor submitted a letter verifying the accuracy of their work.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: "*A substantial development permit shall be issued only when the development proposed is consistent with:*"

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter 23.60.198, 23.60.540;*
- C. *The provisions of Chapter 173-27 WAC.*

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58. RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy and practice of the State to provide guidelines by which development within the shorelines of the state can take place in a safe manner that is not detrimental to the ecology or natural environment. The regulation of uses within the shorelines of the state protects both the public's use and rights of navigation and aquatic life.

While the Shoreline Management Act of 1971 (SMA) provides theories and definitions, it gives the primary responsibility for initiating and administering the regulatory portion of the SMA to local government. The Department of Ecology is largely responsible for insuring compliance with the policy and provisions of the SMA. As a result, the City of Seattle, and other jurisdictions with shorelines adopted a local shoreline master program, codified in the Seattle Municipal Code as Chapter 23.60. Development on the shorelines of the State is not to occur

unless it is consistent with the policies and provisions of the SMA and the local shoreline master program. Among the many provisions of the SMA are the public right to notice of an application and appeal of proposed actions and penalties for violating its conditions.

The proposal to remove an existing multi-family structure and construct a new duplex townhouse building is consistent with the objectives for residential development along the shoreline; thus, this proposal is consistent with the policies and procedures of the RCW Chapter 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

The regulations of Section 23.60.004 entitled shoreline goals and policies, require the goals, policies, purpose and location criteria for each shoreline environment, be considered in making all discretionary decisions within the shoreline district. The proposal to demolish an existing residential structure and construct a duplex townhouse in the urban residential shoreline environment is subject to the following sections:

1. Shoreline Substantial Development Permit (Section 23.60.020)

A shoreline substantial development permit is required for all projects whose use is permitted within the shoreline district and the value of the proposed action exceeds \$2,500 or interferes with the normal public use of the shorelines and or water of the City. The proposed construction of a duplex townhouse will exceed the threshold of \$5,000. Because multi-family residential units are a use allowed within the shorelines of the City, this project requires a shoreline substantial development permit.

2. General Development (Section 23.60.152)

The general development standards of section 23.60.152 apply to all uses within the shoreline. The goals of this section are designed to insure all development that occurs within the shoreline is conducted in an environmentally sound way that complies with the SMP in order to minimize their impact.

3. Development Standards for Residences other than Floating Homes (Section 23.60.198)

This section regulates all residential development within the shorelines. It requires a residential setback based on the location of adjacent structures, regulates fences and free standing walls, over water buildings, and requires multi-family development to meet and standards of the underlying zone. The proposed structure isn't further waterward than those on the adjacent lots. The proposal includes replacing a fence along the eastern property line that prevents views of the water from the street but not adjacent buildings. In addition, the proposal conforms to the requirements of the underlying zone.

4. Development Standards for the UR Environment (Section 23.60.540)

This section of the shoreline chapter of the land use code regulates the allowed uses with the UR environment and outlines specific development standards. For uses which are permitted in the UR environment, they cannot be built to exceed 30 feet height, are limited to a maximum lot coverage of 35%, and are required to provide and maintain a view corridor. In this environment, multi-family residences are permitted outright. The proposed structure height and lot coverage are also within the allowed limits. Due to an existing fence along the eastern property line, the view corridor requirement has been waived.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the State's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of the SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

The proposal to allow a two-unit townhouse in the UR environment is subject to issuance of a Shoreline Substantial Development Permit, because the site is located within the shoreline district and the cost of the project exceeds \$2,500. Therefore, the proposal is consistent with the above-cited criterion.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed action is **CONDITIONALLY GRANTED**. Shoreline Substantial Development conditions follow SEPA Analysis.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 11, 2002. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SSMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations/circumstances (SSMC 25.05.665 D1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Impacts

The following temporary or construction-related impacts are expected: demolition and construction activity could result in dust and storm water runoff, temporary soil erosion, emissions from construction machinery and vehicles, increased particulate levels during excavation and construction, increased noise level, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. These impacts are not considered significant because they are temporary and/minor in scope (SMC 25.05.794).

City codes and/or ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Seattle Transportation Department. Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

Long Term Impacts

The following long-term impacts are expected: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

CONDITIONS - SHORELINE SUBSTANTIAL DEVELOPMENT

The following conditions(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. Native vegetation landscaping for the land directly adjacent to the shoreline needs to be provided. This area should be 5-ft to 10-ft wide and should include native vegetation exclusively. Overhanging native vegetation should be planted along the area closest to the shoreline. No pesticides, including fertilizer, should be applied to this vegetated strip. Existing native vegetation in this area should not be removed to install this native vegetation filter strip. Prior to issuance of the construction permit, landscape plans should be submitted to the city, which include native vegetation along the shoreline.
2. Monitoring of the native vegetation that is planted along the shoreline is required. Eighty (80) percent survival of the terrestrial vegetation planted needs to occur after a period of five years. The vegetation should be monitored one (1) time per year. Monitoring should take place in the spring. Vegetation that has not survived should be replaced with similar native vegetation in the fall.

Signature: _____ (signature on file) Date: February 10, 2003
Glenda Warmoth, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

GW:vr